

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, June 12, 2019, 2019 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Amber Wanless	Public Representative (Vice Chairperson)
Adriana Calvo-Matos	Public Representative
Richard Church	Public Representative
Corrie DiManno	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

Chip Olver	Council Representative
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ADMINISTRATION PRESENT

Randall McKay	Director, Planning and Development
Darren Enns	Manager, Development Services
Jennifer Laforest	Planner
Dave Michaels	Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

The Chair called the June 12, 2019 Municipal Planning Commission meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC19-49 Moved by DiManno to approve the agenda of the June 12, 2019 meeting of the Municipal Planning Commission agenda as amended.

Add 7.1 – Development Appeal Board update
7.2 – Planning and Development update

CARRIED

2.1 The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting. No conflict was declared.

Minutes approved by: _____

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC19-50 Moved by DiManno to approve the minutes of the May 15, 2019 meeting of the Municipal Planning Commission as presented.

CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

- 5.1 Proposed Two (2) Accessory Dwellings and Residential Addition at 208,210&212 Beaver Street – 19DP38
- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Bill Luxton, President of the Eleanor Luxton Foundation, addressed the commission on the proposed development.

MPC19-51 Moved by DiManno that the Municipal Planning Commission approve development permit application 19DP38 for a residential addition and the construction of two accessory dwellings at 208, 210&212 Beaver Street subject to the conditions of approval attached in Schedule 'A' with a variance to the following section of the Land Use Bylaw:

- section 12.14.6(g) to decrease the required side yard setback from 1.8m to 1.08m in order to allow for the reuse of an existing foundation.

CARRIED

Appendix 'A' - Conditions of Approval – 19DP38

1. Conditions to be met prior to the issuance of the Development Permit:

- (a) Pay to the Town of Banff the Development Permit Fee balance of \$192.⁸² as established by *Schedule G* of the Land Use Bylaw;
- (b) Pay to the Town of Banff the Municipal Planning Commission Surcharge of \$400.00 as per *Schedule G* of the *Town of Banff Land Use Bylaw*;
- (c) Pay to the Town of Banff the Address Assignment Fee of \$250.00 (\$125/Unit) as per *Schedule G* of the *Town of Banff Land Use Bylaw*;

Minutes approved by: _____

- (d) Pay to the Town of Banff Off-Site Levies in the amount of \$3,870.⁴⁰ as established by *Town of Banff Off-Site Levy Bylaw 305* ($\$22.08/\text{m}^2 \times 175.29\text{m}^2$ gross floor area);
- (e) Pay to the Town of Banff \$1,900.⁰⁰ in-lieu of Residential Waste Fee (\$950/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
- (f) The applicant must provide the following to the satisfaction of Parks Canada:
- (i) The Lessee must Surrender Current Individual Leases for Block 8 Lots 4, 5 & 6 LTO# 6719BC and execute a consolidated lease agreement for Block 8 Lots 4-6 inclusive.
 - (ii) As per section 6.2 of the Town of Banff Incorporation Agreement, Parks Canada must also receive a detailed Project Description to determine if an Environmental Impact Analysis (EIA) for the 19DP38 development proposal is required. The EIA determination of impacts must be made prior to the issuance of the development permit, and mitigations prescribed. From an initial review, key information and impacts to address are:
 - i. Reports from any geotechnical investigations conducted on the site;
 - ii. Pre-demolition hazardous materials assessment and disposal plan;
 - iii. Disposal of demolition and construction waste;
 - iv. Soil management plan;
 - v. Ground and storm water management, both during construction and for the long term operation of the building, including management of any potential contamination. Note that permanent dewatering is not permitted in the town of Banff;
 - vi. Landscape plan and plant species; and,
 - vii. The proponent is responsible for drafting the project description and providing any other required information to Parks Canada. A guidance document for what to include in the Project Description is attached. For further information on environmental issues or submittals, the proponent can contact the Banff Environmental Assessment Office at Anna.Brown@canada.ca or 403.762.1416.
- (g) Submit a Construction and Site De-Watering Plan for the review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office;
- (h) The applicant is required to submit drawings for the review and approval by the Director of Engineering for the required Stormwater Management System. Plans should provide detailed specifications for the device(s) which demonstrate that the system can handle a 1:100 year storm event and can contain a 1:25 year storm event on-site;
- (i) Submit three (3) copies of Revised Architectural Plans showing conformance with the provisions of the Town of Banff Land Use Bylaw for the review and approval by the Development Officer, including:
- i. A summary of Technical Specifications demonstrating how New Housing shall conform with the Environmental Design Standards of Section 8.3.3 – Energy Conservation Techniques, Energy Star-certified Window Glazing, Wall and Roof Insulation R-values, Water Efficient Plumbing Fixtures;
 - ii. Revised Elevation Plans demonstrating:
 - a. Horizontal wood siding for the addition to Beaver Lodge bracket. The width and colour of the horizontal panels must be sympathetic to the proportion and colour of the rounded logs on Beaver Lodge;

- b. The Enclosure and Cladding of Chimney flues on the Accessory Dwelling;
 - c. The proposed material for the landscape planter; and,
 - d. Wood as the cladding material for the soffit and fascia of the accessory dwelling and the building addition.
 - iii. Detailed Planting Schedule which meets the list of Recommended Plant Material from Section 10 of the Banff Design Guidelines and FireSmart Guidelines;
 - iv. Product Specification Sheet for the proposed treated cedar shingles for Beaver Lodge.
- (j) Submit a Materials Sample Board and colour board indicating conformance with the Banff Design Guidelines for the final review and approval by the Development Officer;
- (k) Submit a detailed Deep Utilities Servicing Plan to the satisfaction of the Director of Engineering showing:
- i. connection to existing water service and sanitary sewer
 - ii. details of pipe material(s) and size(s)
 - iii. location of new water meter(s) and remote reading device(s)
 - iv. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;
- (l) Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;
- (m) Submit a Construction Site Plan for site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction. Construction fence shall be installed in accordance with the requirements of the *Town of Banff Construction Site Hoarding Policy C3000*;
- (n) Submit a proposed Truck Route and Traffic Plan for construction vehicles. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- (o) Submit a detailed Landscaping Cost Estimate, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- (p) Submit a detailed Hardsurfacing Cost Estimate, as determined by the contractor, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work; and,
- (q) Submit a completed Subcontractor Information Sheet to Town of Banff Business Licensing Clerk with the Planning and Development Department providing a list of the sub-contractors to be employed in the construction of the development.

2. Specific Conditions:

- (a) This notice provides the decision of the Municipal Planning Commission regarding the application for two (2) accessory dwellings and an addition to a Single Detached Home at 208, 210, 212 Beaver Street. The development permit will not be released until the conditions 1(a)-(q) have been met to the satisfaction of the Development Officer;
- (b) Tree removal as specified in the landscaping plan shall be limited to trees on site. Tree removal and/or pruning on adjacent leasehold properties shall be addressed as part of a separate tree cutting application;
- (c) Residential fences within the front yard are limited to maximum height of 1.0m; and,
- (d) Upon occupancy of the dwellings, an Updated Statutory Declaration listing each occupant of Block 8 Lots 4-6 LTO#6719BC is required to confirm that they are 'eligible residents' as defined under the National Parks of Canada Lease and Licence of Occupation Regulations.

3. General Conditions

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site.
- (b) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's *BCS Environmental Screening Determination Using a Class Screening Report* and the guidelines identified in the *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations (see attached);
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff How-to Guide to Construction Waste Management;
- (d) Apply for a Street Use Permit from the Director of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (e) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Manager of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (f) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.

- (g) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a *Restricted Activity Permit* in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (h) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (i) A water meter and remote reading device shall be installed at each dwelling prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;
- (j) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (k) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (l) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (m) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (n) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (o) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any waterbody;
- (p) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (q) The applicant shall arrange to have the landscaping completed by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- (r) The applicant shall arrange to have all of the driveway and hard surfaced areas completed, including repairs to off-site areas (roadway), by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this work at the expense of the owner;
- (s) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (t) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion

- (u) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*; and,
- (v) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
 - i. Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s); and,
 - ii. Construction, repair and rehabilitation of street surfacing.

5.2 Proposed Bed and Breakfast Home (2 Commercial Accommodation Unit) at 220 Otter Street – 19DP36

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
Lee O'Donnell, unit 4-123 Cave Avenue, spoke to the conditions of approval for 19DP36 and asked for clarification around condition 1(b).
Administration will respond directly to Mr. O'Donnell's query.
- iii. Applicant input
Caroline Allard, applicant, addressed the commission on the proposed development.

MPC19-52 Moved by DiManno that the Municipal Planning Commission approve development permit application 19DP36 for a Bed and Breakfast Home containing two (2) Commercial Accommodation Units, located at 220 Otter Street.

CARRIED

Appendix 'A' - Conditions of Approval – 19DP36

(1) Conditions to be met prior to issuance of the Development Permit

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$125;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:

Minutes approved by: _____

- i. The owner resides at 220 Otter Street as their primary residence;
- ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
- iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,
- iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit.

- (c) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than two (2) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600 as established by Town of Banff Development Fee Schedule 'G';
- (d) Provide evidence, to the satisfaction of the Development Officer, of the removal of the dividing wall within the original bungalow in order to create the second Commercial Accommodation Unit so that the area is greater than 9.0m² in accordance with s.10.3.2(g) of the Land Use Bylaw;
- (e) Provide evidence, to the satisfaction of the Development Officer, of the removal of the kitchens within the Commercial Accommodation Units in accordance with s.10.3.2(f) of the Land Use Bylaw; and,
- (f) Submit confirmation from the Fire Safety Codes Officer that the property complies with the Alberta Fire Code, including bedroom egress, smoke alarms and placement of fire extinguishers.

(2) Specific Conditions:

- (a) This approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single-Detached Housing'. Any future changes to the subject dwelling shall require a valid Development Permit.

(3) General Conditions:

- (a) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to two (2);
- (b) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property;
- (c) A copy of the Development Permit shall be posted in a prominent and visible place in the home and in each approved guest bedroom at all times;
- (d) On-site parking shall conform to the approved site plan. No vehicle parking is permitted within the Front Yard and no parking of guest vehicles is permitted on adjacent public roadways;
- (e) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;

Minutes approved by: _____

- (f) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (g) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (h) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (i) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (j) The owner shall be responsible for complying with the Alberta Fire Code;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;
- (m) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (n) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.3 Proposed Bed and Breakfast Home (4 Commercial Accommodation Units) at 336 Beaver Street – 19DP32

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
Lee O'Donnell, unit 4-123 Cave Avenue, spoke to the conditions of approval for 19DP32 and asked for clarification around conditions 1(b).
Administration will respond directly to Mr. O'Donnell's query.

- iii. Applicant input
Sonja Purcell, (joint tenant) representing the applicant, confirmed that Peter Bertelson (applicant and joint tenant) will be the live-in owner/operator for the proposed bed and breakfast.

MPC19-53 Moved by Howie that the MPC move in camera at 10:25a.m. to deliberate and reach its decision in accordance with section 197(2.1) of the Municipal Government Act and section 3.2.12 of the Town of Banff Land Use Bylaw. The following other persons attended the closed session: Enns and Laforest.

CARRIED

MPC19-54 Moved by Howie to return to the public meeting at 10:40a.m.

CARRIED

MPC19-55 Moved by Howie that the Municipal Planning Commission amend the conditions of approval for development permit application 19DP32 as follows:

1(c) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Titles for the property for the purposes of prohibiting the operation more than four (4) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property and **prohibiting any change in ownership of the property while the bed and breakfast development permit is valid.** The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by Town of Banff Development Fee Schedule Bylaw 389;

CARRIED

MPC19-56 Moved by McElhone the Municipal Planning Commission amend the conditions of approval for development permit application 19DP32 as follows;

2(a) Approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single-Detached Housing'. Any future changes to the subject dwelling shall require a valid Development Permit.

CARRIED

MPC19-57 Moved by McElhone that the Municipal Planning Commission approve development permit application 19DP32 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units located at 336 Beaver Street subject to the amended conditions of approval attached in Schedule 'A'.

CARRIED

Minutes approved by: _____

Appendix 'A' - Conditions of Approval – 19DP32

(1) **Conditions to be met prior to the issuance of a development permit:**

- (a) Pay to the Town of Banff the Municipal Planning Commission Surcharge of \$125.00 as specified by schedule G of the Land Use Bylaw;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. 336 Beaver Street will be maintained by a maximum of four joint tenants on two separate land titles;
 - ii. The Bed and Breakfast Home will be managed and operated exclusively by a live-in owner in accordance with the Land Use Bylaw;
 - iii. The joint tenants understand that non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and,
 - iv. The live in owner shall cancel their bed and breakfast development permit in the event of any change to the title or ownership of 336 Beaver Street.
- (c) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Titles for the property for the purposes of prohibiting the operation more than four (4) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property and prohibiting any change in ownership of the property while the bed and breakfast development permit is valid. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by Town of Banff Development Fee Schedule Bylaw 389;
- (d) Submit confirmation from the Fire Safety Codes Officer that the property complies with the Alberta Fire Code, including bedroom egress, smoke alarms and placement of fire extinguishers;
- (e) The applicant may pursue opportunities with the Development Officer for Integrating Solar Energy within the development;
- (f) Submit a detailed Landscaping Cost Estimate for all on and off-site landscaping prepared by a Landscape Architect, specifying all plant materials, their size, numbers, location and species.
- (g) Submit a detailed Hard Surfacing Cost Estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes; and,
- (h) Provide two (2) separate Irrevocable Letters of Credit in the amount of 125% of the value of the cost estimate for both the hard surfacing and landscaping to secure completion of work.

(2) **Specific Conditions:**

- (a) Approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single-Detached Housing'. Any future changes to the subject dwelling shall require a valid Development Permit.
- (b) This notice provides the decision of the Municipal Planning Commission regarding the application for a four (4) bedroom Bed and Breakfast Home at 336 Beaver Street. The development permit will not be released until the conditions 1(a)-(h) have been met to the satisfaction of the Development Officer;
- (c) The single detached home is considered legally non-conforming as the building is located within the required side yard (north). Future expansion the buildings will require the legally non-conforming condition to be addressed;
- (d) It is recommended the applicant remove the separation of interests that reflects the duplex living arrangement;
- (e) The applicant is required to Install an Exterior Trim Line and Brackets for the second storey balcony in order to bring the development into closer conformance with the direction of the Banff Design Guidelines; and,
- (f) The applicant is required to Schedule a Site Inspection with the Development Officer following the completion of the interior renovations, landscaping and hardsurfacing to ensure the guestrooms, amenity areas and exterior landscaping areas are in compliance with the plans received April 26th 2019.

(3) General Conditions:

- (a) It is the responsibility of the project proponent to ensure that any and all mitigation measures, and any additional instructions, identified in the Determination of Environmental Impacts, issued by Parks Canada Environmental Assessment Office are adhered to;
- (b) Obtain a valid Business License from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to four (4);
- (c) The Development Permit is valid for a period not to exceed the term of the Business Licence, one (1) year from the date of issuance or until transfer/change in ownership of the subject property, whichever first occurs;
- (d) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (e) Planting with a low or very low flammability rating is encouraged and mature conifers within 5m of any structure shall be limbed to 3m and all standing dead shall be removed;
- (f) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (g) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;

- (h) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (i) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (j) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (k) The owner shall be responsible for complying with the Alberta Fire Code;
- (l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (n) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (o) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.4 Proposed Bed and Breakfast Home (4 Commercial Accommodation Units) at 418 Muskrat Street – 19DP27

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
There was no public input.
- iii. Applicant input
Dr. Lioba Redel, applicant, addressed the commission on the proposed development.

Moved by Wanless that the Municipal Planning Commission approve development permit application 19DP27 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 418 Muskrat Street, with variances to:

Minutes approved by: _____

Section 8.9.4(d)(ii) of the Land Use Bylaw to allow the existing Accessory Development to be located less than 1.0m from the side lot line; and,

Section 8.13.1 of the Land Use Bylaw to allow the existing driveway and parking stalls to be finished with hard packed gravel.

MPC19-58 Moved by Howie that the Municipal Planning Commission approve development permit application 19DP27 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 418 Muskrat Street with an amended condition of approval in include; applicant to consider hard packed surfacing options of the driveway to the satisfaction of the development officer.

DEFEATED

Opposed: DiManno, Wanless, Smythe, McElhone

MPC19-59 Moved by Wanless the Municipal Planning Commission approve development permit application 19DP27 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 418 Muskrat Street, with variance to:

Section 8.13.1 of the Land Use Bylaw to allow the existing driveway and parking stalls to be finished with hard packed gravel.

CARRIED

Opposed: Howie, Church, Calvo-Matos

MPC19-60 Moved by DiManno that the Municipal Planning Commission approve development permit application 19DP27 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 418 Muskrat Street, with variances to:

1. Section 8.9.4(d)(ii) of the Land Use Bylaw to allow the existing Accessory Development to be located less than 1.0m from the side lot line; and,

2. Section 8.13.1 of the Land Use Bylaw to allow the existing driveway and parking stalls to be finished with hard packed gravel.

CARRIED

Opposed: Howie, Calvo-Matos

Appendix 'A' - Conditions of Approval – 19DP27

(1) Conditions to be met prior to issuance of the Development Permit

Minutes approved by: _____

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$125 as established by Town of Banff Development Fee Schedule 'G';
- (b) Submit existing and proposed Elevation drawings, to the satisfaction of the Development Officer, that:
 - v. Are at a scale of 1:100 metric (minimum);
 - vi. Show building height and dimensions in metric; and,
 - vii. Show proposed design, materials and finishes consistent with the existing building and defining heritage characteristics;
- (c) Submit a detailed Deep Utilities Servicing Plan in conformance to the City of Calgary standards, for review and approval by the Director of Engineering, showing:
 - i. connection to existing water service and sanitary sewer;
 - ii. details of pipe material(s) and size(s);
 - iii. location of water meter(s) and remote reading device(s);
 - iv. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable.If the existing services are to be used and meet the City of Calgary standards, provide confirmation, to the satisfaction of the Director of Engineering, that the capacity and condition of the services are suitable;
- (d) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 418 Muskrat Street as their primary residence;
 - ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
 - iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,
 - iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit.
- (e) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- (f) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
- (g) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than four (4) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600 as established by Town of Banff Development Fee Schedule 'G'; and,

- (h) Submit written confirmation, to the satisfaction of the Development Officer, that the Parks Canada Environmental Assessment Office has received a detailed Project Description in order to determine if an Environmental Impact Analysis (EIA) is required. Should an EIA be required, submit written confirmation from the Parks Canada Environmental Assessment Office, to the satisfaction of the Development Officer, that a Determination of Environmental Impacts indicating the project is not likely to have significant adverse environmental effects, has been issued. The Banff National Park Environmental Assessment Office can be contacted directly on 403.762.1416 or anna.brown@canada.ca.

(2) **Specific Conditions:**

- (a) The Commercial Accommodation Units shall not contain a kitchen in accordance with Section 10.3.2(f) of the Land Use Bylaw;
- (b) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to four (4);
- (c) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property;
- (d) A copy of the Development Permit shall be posted in a prominent and visible place in the home and in each approved guest bedroom at all times;
- (e) On-site parking shall conform to the approved site plan. No vehicle parking is permitted within the Front Yard and no parking of guest vehicles is permitted on adjacent public roadways;
- (f) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (g) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (h) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (i) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (j) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (k) The owner shall be responsible for complying with the Alberta Fire Code;

- (l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the Guidelines for Bed and Breakfast Establishments and to arrange an inspection of the property prior to operation; and,
- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required.

(3) General Conditions:

- (a) Any supplementary changes to the approved plans or building design shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) A valid Town of Banff Building Permit shall be required prior to commencement of construction;
- (c) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's BCS Environmental Screening Determination Using a Class Screening Report and the guidelines identified in the Environmental Guidelines for Development Projects in Banff National Park (Directive 17) are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- (d) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed at the Bow Valley Waste Management Commission Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste Transfer Station at 160 Hawk Avenue. Please see the Town of Banff How-to Guide to Construction Waste Management for further information;
- (e) Apply for a Street Use Permit from the Director of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (f) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- (g) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- (h) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (i) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;

- (j) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
- (k) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (l) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (m) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (n) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (o) Confine “noise” activities to hours set out in Town of Banff Community Standards Bylaw 260;
- (p) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any water body;
- (q) The applicant shall arrange to have the landscaping completed by no later than two years from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- (r) Non-compliance with any conditions of the Development Permit will result in revocation of the ‘Bed and Breakfast Home’ permit; and
- (s) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the Canadian Electrical Code, the Alberta Gas Code or the Alberta Plumbing Code.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

7.1 Development Appeal Board

Administration provided a verbal update to the commission on Appeal 03-19

DAB Order link - http://www.banff.ca/AgendaCenter/ViewFile/Agenda/_05022019-814

Minutes approved by: _____

7.2 Planning and Development – personnel changes

Administration provided a verbal update on the personnel changes in the Planning and Development Department.

In order to ensure the seamless continuation of senior administrative duties, the recruitment subcommittee approved Randall McKay as the Acting Town Manager. The succession plan will move Darren Enns into the role of Director, David Michaels into the role of Manager, Development Services and Emma Sanborn to the role of Development Planner. The structure change will take place in August, 2019.

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, July 10, 2019 at 9:00 a.m.

MPC19-61 Moved by Wanless to adjourn the meeting at 11:35a.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____